

REMARKS

Applicant hereby confirms election of invention, provisionally made by the undersigned on November 16, 2006, of claims 1-4, 7(now cancelled), 9-13 and 21-24, (i.e., Group II), drawn to an apparatus and method for using an ultrasound transducer comprising a catheter, and further confirm election of the species of Figure 4. Claims 5, 6 and 14-20 are cancelled. Claim 8 is withdrawn from examination as being directed to a non-elected species, but respectfully requested to be reinstated and allowed upon allowance of respective generic claim 1 which it depends. Based on the foregoing amendments and following remarks, reconsideration and allowance of the application is respectfully requested.

Specification

The specification has been amended to correct typographical errors inadvertently made and include the generic term of Velcro™, as indicated in the office action. Accordingly, Applicant respectfully requests withdrawal of objections to the specification.

Drawings

Figures 2, 4 and 5 have been amended to add acoustic energy sensors and reference numbers 230, 430 and 530 respectively; specification has been amended accordingly. No new matter has been added. Applicant is concurrently submitting a replacement sheet of Drawings, including these changes. Applicant respectfully requests that amendment to Figures 2, 4 and 5 be entered, and withdrawal of the objection to the drawings and claims 9, 12 and 13.

Claim Rejections - 35 U.S.C. §102

Claims 1-4, 9-13, 21, 23 and 24 stand rejected under 35 U.S.C. §102(b), as being allegedly anticipated by U.S. Patent No. 5,409,006 ("Buchholtz"). In order to sustain a rejection under §102, each element in the rejected claim must be found, either expressly or inherently, in the cited reference. Applicants respectfully submit that Buchholtz cannot support the § 102(b) claim rejections, because Buchholtz does not disclose each and every element required by these claims, as amended.

Independent claims 1 and 21 have been amended to require "a catheter", and a transducer secured to the catheter. Independent claim 10 also comprises the limitation of "a transducer secured to the catheter". No such transducer secured to or carried by a catheter is disclosed or suggested in Buchholtz. In particular, the catheter of Buchholtz carries "*two acoustic markers*" arranged at a distance corresponding to the distance between the sphincter externus and internus (Col. 2, lines 54-66). The objective of Buchholtz's catheter is to prevent injury to the sphincters by marking their location; therefore the personnel conducting the treatment would avoid targeting them with heating radiation emitted by a *different device located externally to the patient*. (Col. 2, lines 21-24 and lines 54-66).

The apparatus of claims 1 and 10 comprises "*a transducer secured to the catheter*" and according to the method of claim 21, the transducer carried by the catheter delivers "*acoustic energy to the tissue region*". Buchholtz's catheter does not carry a transducer nor deliver acoustic energy to a tissue region by a catheter; instead Buchholtz's transducer is located in a housing different from the catheter (Col. 3 line 59 to Col. 4, line 46).

For at least this reason, Applicants respectfully submit that independent claim 1, 10 and 21, along with the remaining claims which depend there from, are not anticipated by Buchholtz, and respectfully request withdrawal of the §102 rejection of these claims.

Claim Rejections - 35 U.S.C. §103

Claim 22 stands rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over U.S. Patent No. 5,409,006 ("Buchholtz") in view of U.S. Patent Publication No. 2002/0055693 ("Thompson"). In particular, the Examiner has asserted that, in view of Thompson, it would have been obvious to one skilled in the art to modify the method of Buchholtz to include the step of administering an anticoagulant prior to ultrasonic therapy. Applicant respectfully disagrees.

Claim 22 incorporates all of the elements and limitations of, and is therefore allowable for at least the same reasons as, claim 21, as neither Buchholtz nor Thompson discloses or suggests the limitations of claim 21. As discussed above, Buchholtz does not disclose the method of delivering acoustic energy to a tissue by introducing a catheter that carries a transducer into a body. Thompson also does not disclose the claimed limitation of introducing a catheter that carries a transducer into a body to deliver acoustic energy.

Therefore, Applicants respectfully submit that a prima facie case of obviousness based on the cited reference has not been established, and respectfully request that the Examiner reconsider and withdraw the obviousness rejection of claim 22.

CONCLUSION

For the reasons set forth above, Applicant respectfully submit that the currently pending claims are patentable over the cited prior art. A notice of allowance is respectfully requested.

If there are any questions concerning this amendment and response, please contact the undersigned at the number below.

Respectfully submitted,
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